

C O P Y

2798
Box 10128
56-12

12/5/55

1955

December 5

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

Gardner C. Turner, Esq., Chairman
Industrial School
Manchester, New Hampshire

CONCORD, N.H.

Dear Sir:

Your letter of November 21, 1955, relative to an interpretation of the word "maintenance" as it appears in RSA 94:5, has been referred to the undersigned for answer.

You have stated that the word "maintenance" is further qualified by the term "full", and have requested a formal opinion of this phrase. I have been unable to find any reference to the word full as a qualification of maintenance as used in our statute. Therefore, I shall consider only the term maintenance.

The legislature has never defined the term maintenance as far as I have been able to discover. A search of the law also fails to disclose any cases in which the term has been used in similar situations. Ordinarily, maintenance and support are considered in that field of law relating to husband and wife, divorce, or wills and estates having reference thereto. In view of this, the cases are not particularly helpful.

On May 26, 1954, the Attorney General ruled that maintenance was limited to board and room of the employee of the state and to those persons living with him to whom he owes the duty of support by operation of law. Thus, guests and visitors were not included in the term and the employee must personally stand the expense of entertaining such persons.

You have further asked whether a reasonable use of field purchase orders by the Superintendent, for items of food not found in the school store, is proper. It is our opinion that the Board of Trustees is charged with the duty of regulating the method of supplying the maintenance authorized. The use of field purchase

C O P Y

Gardner C. Turner, Esq., Chairman

-2-

orders, for purchases of items which may not reasonably be purchased through the normal channels, is an administrative determination for which the Board of Trustees is responsible. In view of the fact that the legislature has not seen fit to define maintenance, they have impliedly delegated to your Board the responsibility for making decisions on the purchase of items not generally found in the school store.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB, Jr/T